



EUROPEAN SEARCH REPORT

Application Number
EP 10 18 1375

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (IPC)
X	WO 00/37643 A (CORIXA CORPORATION; XU, JIANGCHUN; LODES, MICHAEL, J; SECRIST, HEATHER) 29 June 2000 (2000-06-29) * the whole document *	1-12	INV. C12Q1/68 C12N15/11 C07H21/04 C07K14/435 C07K14/47
X	DATABASE EMBL [Online] 14 February 2000 (2000-02-14), "Homo sapiens BAC clone RP11-709L9 from 4, complete sequence.", XP002630967, retrieved from EBI accession no. EMBL:AC023150 Database accession no. AC023150 * compound *	9,11,13	
A	CHAN ERR-CHENG ET AL: "Identification of novel genes that are differentially expressed in human colorectal carcinoma", BIOCHIMICA ET BIOPHYSICA ACTA, AMSTERDAM, NL, vol. 1407, no. 3, 30 September 1998 (1998-09-30), pages 200-204, XP000910494, ISSN: 0006-3002 * the whole document *	1-13	
			TECHNICAL FIELDS SEARCHED (IPC)
			C12Q
The present search report has been drawn up for all claims			
Place of search Munich		Date of completion of the search 1 April 2011	Examiner Schwachtgen, J
CATEGORY OF CITED DOCUMENTS		T theory or principle underlying the invention E earlier patent document but published on or after the filing date D document cited in the application L document cited for other reasons & member of the same patent family corresponding document	
X particularly relevant if taken alone Y particularly relevant if combined with another document of the same category A technological background O non-written disclosure P intermediate document			

**ANNEX TO THE EUROPEAN SEARCH REPORT
ON EUROPEAN PATENT APPLICATION NO.**

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This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

01-04-2011

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 0037643 A	29-06-2000	AU 2387900 A	12-07-2000
		CA 2356987 A1	29-06-2000
		EP 1144632 A2	17-10-2001
		JP 2002533082 T	08-10-2002
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The examination is being carried out on the **following application documents**

Description, Pages

1-85 as originally filed

Sequence listings, SEQ ID NO

1-338 as originally filed

Claims, Numbers

1-13 as originally filed

Drawings, Sheets

1/4-4/4 as originally filed

1 Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure.

D1 WO 00/37643 A (CORIXA CORPORATION; XU, JIANGCHUN; LODES, MICHAEL, J; SECRIST, HEATHER) 29 June 2000 (2000-06-29)

D2 DATABASE EMBL [Online] 14 February 2000 (2000-02-14), "Homo sapiens BAC clone RP11-709L9 from 4, complete sequence.",
retrieved from EBI accession no. EMBL:AC023150
Database accession no. AC023150

D3 CHAN ERR-CHENG ET AL: "Identification of novel genes that are differentially expressed in human colorectal carcinoma", BIOCHIMICA ET BIOPHYSICA ACTA, AMSTERDAM, NL, vol. 1407, no. 3, 30 September 1998 (1998-09-30), pages 200-204, XP000910494,
ISSN: 0006-3002

- 2 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claims 1-13 is not new within the meaning of Article 54(1) and (2) EPC.
- 2.1 D1 discloses a method for determining the onset or predisposition of cancer of the colon by measuring an isolated nucleic acid molecules that hybridises at low stringency to a "functional derivative" of the nucleotide sequence substantially as set forth in SEQ ID NO: 20 of the present application (see claim 40). The disclosure of D1, thus, anticipates all the technical features of the subject-matter of present claims 1-12.
- 2.2 D2 discloses an isolated nucleic acid molecule that comprises the nucleotide sequence substantially as set forth in SEQ ID NO: 20 of the present application or a derivative thereof. The nucleic acid of D2, thus, anticipates all the technical features of the subject-matter of present claims 9 and 11.
- 3 The present application does not meet the requirements of Article 52(1) EPC because the subject-matter of claim 13 does not involve an inventive step within the meaning of Article 56 EPC. It appears that the known nucleic acid sequence according to D2 could and would be used by the skilled to assay biological samples without the intervention of inventive skills.
- 4 The terms and expressions "substantially", "functional derivative", "variant", "derivative" and "analogue" used in claims 1 and 9 [...] are vague and unclear. Their use leaves the skilled person in doubt as to the meaning of the technical feature to which they refer, thereby rendering the definition of the subject-matter of said claim unclear (Article 84 EPC).
- 5 The application does not provide technical support (Article 84 EPC) and does not sufficiently disclose (Article 83 EPC) a method for detecting any neoplasm using SEQ ID NO: 20, as claimed in present claims 1-5, 7 and 8.